IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 26420 of 2000

Between:

Chennupati Singaiah, S/o. Rangaiah,
R/o Annambhotlavari Palem.Village, Parchur Mandal, Prakasam District.

..... PETITIONER

AND

1 Govt. of India, Rep. by its Under Secretary,
Ministry of Human Resources Development, Department of Education,
Shastri Bhavan, New Delhi. 1.
2 The J.R.A.O. (grants), Grants-in-Aid-Unit, Ministry of Human Resources

Development, Department of Education, R.No. 228-C, 2nd Floor, Shastri Bhavan,

New Delhi. 110 001.
3 Government of A.P., Reptd. by its Secretary, Education (SE) Department,
Secretariat, AP Hyderabad.
4 The District Collector, Prakasam District,
Prakasam Bhavan, Ongole.
Prakasam District.
5 The District Educational Officer,
Prakasam Bhavan, Ongole. Prakasam District,
6 Smt. Mukkanti Sarojini, W/o Hanumantha Rao,
Girijana Mahila Mandali, Annambhotlayari Palem, V. Parchur, Mandal,
Prakasam

District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction more particularly one in the nature of writ of Mandamus declaring the actions of the Respondents No.1 and 2 in not taking any action against the respondents No.6. on the basis enquiry conducted and recommendation made by the III rd respondent in proceeding No. 8053/Prog-II-I/99-3, dated 7.12.1999 as bad, illegal and against the public interest and failure funds and defeating the upliftment policy of the Government in promoting literacy and contrary to Article 45 and 46 of Constitution of India and consequentially direct the respondents 1 and 2 to cancel the sanctions accorded in favour of the 6th respondent in the name of Girijan Mahila Mandali to run 25 Non Formal Educational (HRD) Centres in Parchur Mandal, Prakasam District, and recover the amount already released to the 6th respondent with interest besides penal consequences and pass such order or other orders.

Counsel for the Petitioner:MR.V.VENUGOPALA RAO

Counsel for the Respondent Nos.1 and 2: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondents 3 to 5: G.P. for Higher Education.

Counsel for the Respondent No. 6: Mr. N. Ravi Prasad

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petitioner was elected as a Sarpanch of Annambhotlavari Palem Gram Pnachayat, Parchur Mandal, Prakasam District in June, 1981 and continued as such till March, 1988. Thereafter, he was elected as Mandal Parishad Territorial Constituency (M.P.T.C.) member and was also elected as Vice President of Mandal Parishad of Parchur Mandal. He then brought to the notice of the authorities concerned about the functioning of the 6th respondent and prayed that the matter be enquired into and action be taken in accordance with law.

It appears that on petitioner's representation, some enquiry was conducted and on 7.12.1999, the Secretary to Government, Education (SE) Department, Government of Andhra Pradesh addressed a letter to the Under Secretary to Government of India, Education Department, New Delhi pointing out about the functioning of the 6th respondent with a request to stop financial assistance. Petitioner's grievance is that no action has been taken by the 1st respondent on the representation filed by him. There has been no counter affidavit filed by the respondents till date.

In the absence of any counter affidavit, we now proceed to dispose of the writ petition with a direction to the 1st respondent that the matter as regards Respondent No. 6 be got enquired into as per the recommendation stated to have been made by the 3rd respondent on the complaint filed by the petitioner and on obtaining further information or particulars from Respondents 2 to 5 or from any other sources, action if thought fit and proper be taken against the respondent No.6 strictly in accordance with law, after affording an opportunity of being heard to the 6th respondent and after calling for her explanation.

Needless to add that it will be open for the petitioner to supply the relevant material to the 1st respondent. The entire process will be completed by the 1st respondent within a period of four months from the date of receipt of a copy of this Order.

The writ petition is accordingly disposed of. No costs.

_____ DEVINDER GUPTA, CJ

Date: 29th November, 2004

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G. ROHINI, J

Pnb

To

1 The Under Secretary to Govt. of India, Ministry of Human Resources Development, Department of Education, Shastri Bhavan, New Delhi. 1.

2 The J.R.A.O. (Grants), Grants-in-Aid-Unit, Ministry of Human Resources Development, Department of Education, R.No. 228-C, 2nd Floor, Shastri Bhavan, New Delhi. 110 001.

3 The Secretary, Education (SE) Department, Government of A.P., Secretariat, AP Hyderabad.

4 The District Collector, Prakasam District,
Prakasam Bhavan, Ongole, Prakasam District.

5 The District Educational Officer,
Prakasam Bhavan, Ongole. Prakasam District.

6 Two C.Cs. to the Government Pleader for Higher Education, High Court Buildings, Hyderabad (OUT).

7 Two C.D. copies